

PLANNING ACT 2008

**THE INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE)
RULES 2010 (“the 2010 Rules”)**

**APPLICATION FOR THE PROPOSED HORNSEA TWO OFFSHORE
WIND FARM ORDER (“the Order”)**

WRITTEN REPRESENTATIONS

**of NATIONAL GRID ELECTRICITY TRANSMISSION PLC (NGET) AND
NATIONAL GRID GAS PLC (NGG) (together “National Grid”)**

Planning Inspectorate Reference Number: EN010053

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1. Introduction

- 1.1 These written representations are submitted pursuant to rule 10 of the 2010 Rules and in accordance with the Examining Authority's procedural decisions of 22 June 2015.
- 1.2 National Grid is the statutory undertaker for certain electricity transmission, gas transmission and gas distribution apparatus within the development for which it requires satisfactory protective provisions and access rights.
- 1.3 Since submitting its relevant representation on 21 April 2015 National Grid has continued to liaise with Smart Wind ("the applicant") in relation to the impacts of the Order upon its apparatus.
- 1.4 National Grid does not object to the principle of the development but wishes to register a holding objection until such time as either an agreement is entered into or protective provisions satisfactory to National Grid are agreed for inclusion in the DCO for the protection of National Grid's apparatus and access rights as set out in these representations.

2. Apparatus

- 2.1 National Grid's 400kV Killingholme Substation and several 400kV high voltage overhead lines are located within the proposed Order limits and these assets form an essential part of the electricity transmission network in England and Wales.
- 2.2 National Grid has a high pressure gas transmission pipeline (Feeder Main 9) located within the Order limits which forms a crucial part of the gas transmission network and several gas distribution pipelines including high, intermediate and low pressure pipelines.

3. Protection regulatory framework

- 3.1 National Grid requires that relevant guidance in relation to safety clearances and work practices within the vicinity of its apparatus are complied with at all times.
- 3.2 In judging compliance with relevant safety regulations, the HSE expects duty-holders to apply relevant good practice as a minimum. For new plant installations and situations, this will mean the application of current good practice. For existing plant installations and situations, this will mean the application of current good practice to the extent necessary to satisfy the relevant law.
- 3.3 The following standards are relevant to safe working in the vicinity of the apparatus:
 - 3.3.1 T/SP/SSW22 "Safe working in the vicinity of National Grid high pressure gas pipelines and associated installations – requirements for third parties"
 - 3.3.2 HSE's guidance document HS(G)47 Avoiding Danger from Underground Services
 - 3.3.3 National Grid Policy EN43-8 for development near overhead lines; and
 - 3.3.4 HSE's guidance note GS 6 "Avoidance of danger from overhead lines".

4. Compulsory Acquisition of Land

- 4.1 In order to protect its statutory undertakings from serious detriment, National Grid requires assurance that in the event of compulsory acquisition, it will continue to have sufficient access to and permanent rights of way over the Order land being acquired to access its apparatus and maintain, repair and inspect that apparatus.

- 4.2 National Grid also requires that any communications cables, pipelines or other apparatus used by National Grid in connection with its undertaking are not compulsorily acquired without agreement by National Grid, to ensure that it continues to have access to essential services from third party statutory undertakers that are necessary for the carrying out of National Grid's undertaking.
- 4.3 National Grid will continue to cooperate with the applicant. However, in the absence of agreed protective provisions and a side agreement, National Grid will maintain its objection and submits that the Secretary of State should not grant development consent as the requirements of section 127 and 138 of the Planning Act 2008 are not satisfied.
5. **Protective provisions**
- 5.1 The proposed Order is at present deficient as it does not contain protective provisions in the form required by National Grid for the protection of its apparatus in line with the above.
- 5.2 National Grid maintain that without appropriate protective provisions or qualifications on the exercise of compulsory powers as proposed in the Order there would be an unacceptable risk of damage to apparatus. Damage or failure of that apparatus may have serious hazardous consequences for individuals located in the vicinity of the project and the assets of National Grid.
- 5.3 National Grid may also be forced into a position where it fails to comply with statutory duties with respect to safety and integrity of apparatus and personal health and safety.
- 5.4 National Grid is in ongoing negotiations with the applicant for the agreement of appropriate protective provisions.
- 5.5 National Grid's preferred provisions also provide for appropriate access rights, on National Grid's standard terms, to be granted by the applicant to National Grid in respect of maintenance, inspection and repair. The grant of such rights will provide the assurance required to mitigate National Grid's concerns about the compulsory acquisition of its interests or interests vital to its undertaking and extinguishment of rights over land that it currently enjoys.
6. We reserve the right to amend, add to or withdraw these representations.